

AMENDED IN SENATE MARCH 22, 2000

SENATE BILL

No. 1574

Introduced by Senator Alarcon

February 18, 2000

An act to amend Section 1000.3 of the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1574, as amended, Alarcon. Criminal procedure: deferred entry of judgment: reimbursement of costs.

Existing law provides procedures, as specified, for defendants who are dismissed from deferred entry of judgment programs. Existing law also requires that the court, prior to dismissing the charge or charges, consider the defendant's ability to pay and whether the defendant has paid a diversion restitution fee, has paid, an administration fee to the probation department, and has met his or her financial obligation to the program.

This bill would require that the court, prior to rendering a finding of guilt and entering judgment, consider the defendant's ability to pay a diversion restitution fee and whether the defendant has met his or her financial obligation to the program. This bill would eliminate the requirement that the court consider whether the defendant has paid an administration fee to the probation department. This bill would also require the defendant to reimburse the probation department for the reasonable cost of any program investigation or progress report filed with the court, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1000.3 of the Penal Code is
2 amended to read:

3 1000.3. If it appears to the prosecuting attorney, the
4 court, or the probation department that the defendant is
5 performing unsatisfactorily in the assigned program, or
6 that the defendant is not benefiting from education,
7 treatment, or rehabilitation, or that the defendant is
8 convicted of a misdemeanor that reflects the defendant's
9 propensity for violence, or the defendant is convicted of
10 a felony, or the defendant has engaged in criminal
11 conduct rendering him or her unsuitable for deferred
12 entry of judgment, the prosecuting attorney, the court on
13 its own, or the probation department may make a motion
14 for entry of judgment.

15 After notice to the defendant, the court shall hold a
16 hearing to determine whether judgment should be
17 entered.

18 If the court finds that the defendant is not performing
19 satisfactorily in the assigned program, or that the
20 defendant is not benefiting from education, treatment, or
21 rehabilitation, or the court finds that the defendant has
22 been convicted of a crime as indicated above, or that the
23 defendant has engaged in criminal conduct rendering
24 him or her unsuitable for deferred entry of judgment, the
25 court shall render a finding of guilt to the charge or
26 charges pled, enter judgment, and schedule a sentencing
27 hearing as otherwise provided in this code.

28 If the defendant has performed satisfactorily during
29 the period in which deferred entry of judgment was
30 granted, at the end of that period, the criminal charge or
31 charges shall be dismissed.

32 Prior to dismissing the charge or charges or rendering
33 a finding of guilt and entering judgment, the court shall
34 consider the defendant's ability to pay and whether the
35 defendant has paid a diversion restitution fee pursuant to

1 Section 1001.90, if ordered, and has met his or her
2 financial obligation to the program, if any. As provided in
3 Section 1203.1b, the defendant shall reimburse the
4 probation department for the reasonable cost of any
5 program investigation or progress report filed with the
6 court as directed pursuant to Sections ~~1001.1~~ *1000.1* and
7 *1000.2*.

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